

## CITIES AND TOWNS—ACQUISITION OF PROPERTY

CHAPTER 335 <sup>82</sup>

H. B. No. 751

An Act authorizing any city or town, in any county of this State having a population of more than three hundred and fifty thousand (350,000) inhabitants, regardless of how incorporated, to acquire by gift, purchase, condemnation or otherwise separately or jointly with any other city, town, cities, towns or other city, town, cities, towns and county, within which such municipality is situated, property within or outside of such city, town, cities and towns for public purposes as set out in this Act; to improve the same, issue warrants and bonds to pay the cost of such property and improvements; to sell, lease, regulate, manage, operate, control and charge for the use thereof; to exercise Police Power within the territory and property so acquired; to levy taxes to carry out the purposes of this Act; to make mutual agreements with reference to such joint ownership and operation; making this Act cumulative of all other laws; containing a saving clause; declaring an emergency and an imperative public necessity; suspending the Constitutional Rules with reference thereto and making this Act effective immediately upon its passage.

*Be it enacted by the Legislature of the State of Texas:*

Section 1. Any incorporated city or town in this State incorporated under general or special law or authorized to have or having a Charter under the provisions of the Constitution of Texas or the Statutes and being situated in a county, which has a population of more than three hundred and fifty thousand (350,000) inhabitants according to the Federal Census next preceding the exercise of the power hereby granted shall have and is hereby granted the power separately or jointly with any other city, town, cities or towns, in the same county, or jointly with any other city, town, cities or towns and the county, within which such city or town is situated, to receive and acquire through gift or dedication and to acquire by purchase without condemnation or by condemnation, any property in this State located inside or outside of the corporate limits of such city or town, for the following purposes, which are declared to be public purposes: parks, hospitals, the extension, improvement and enlargement of its water system, including riparian rights, water supply reservoirs, standpipes, watersheds, dams, the laying, building, maintenance and construction of water mains and the laying, erection, establishment or maintenance of any necessary appurtenances or facilities which will furnish to the inhabitants of the city an abundant supply of wholesome water; for sewage plants and systems; rights of way for water and sewer lines; play grounds, airports, and landing fields, incinerators, garbage disposal plants, streets, boulevards and alleys or other public ways, and any right of way needed in connection with any property used for any purpose hereinabove named, and to exercise Police Power within the territory so acquired.

The procedure to be followed in condemnation proceeding hereunder and authorized herein shall be in accordance with the provisions of the State law with reference to eminent domain. The provisions of Title 52 of the Revised Civil Statutes of Texas (1925) shall apply to such proceedings, or such proceedings may be under any other State law now in existence or that hereafter may be passed governing and relating to the condemnation of land for public purposes by a city.

<sup>82</sup> Vernon's Ann.Civ.St., art. 969b.

Sec. 2. Such city or town and such city, town, cities, towns and counties are hereby empowered to maintain, improve and operate the property so acquired and all improvements thereon and to sell or lease all or any part of the property and improvements so acquired and shall have full and ample power to jointly manage, control and operate such property so owned by two or more such political subdivisions, by entering into any contracts with each other on terms mutually agreeable.

Sec. 3. For the purpose of condemning or purchasing, either or both, lands to be used and maintained as provided in Section 1 hereof, and improving and equipping the same for such use, the governing body of any city or the Commissioners Court of any county, falling within the terms of such Section, may issue negotiable warrants and bonds of the city or of the county, as the case may be, and levy taxes to provide for the interest and sinking funds of any such warrants and bonds so issued, the authority hereby given for the issuance of such warrants and bonds and levy and collection of such taxes to be exercised in accordance with the provisions of the Revised Civil Statutes of Texas of 1925 with the amendments thereto.

Sec. 4. The political subdivision or subdivisions acquiring property under this Act is and are hereby expressly authorized and empowered to improve, maintain and conduct the same for the purposes hereby authorized and to make and provide thereon all necessary or fit improvements and facilities and to fix such reasonable charges for the use thereof as the governing body or bodies or governing bodies of the city, town, cities or towns acquiring property or making improvements under the provisions of this Act shall determine by mutual agreement and are granted ample Police Power to make and enforce rules and regulations governing the use thereof as the interested governing bodies shall determine by ordinance.

Sec. 5. In addition to and exclusive of any taxes which may be levied for the interest and sinking fund of any bonds issued under the authority of this Act, the governing body of any such city or town and the Commissioners Court of any county, falling within the terms hereof, may and is hereby empowered to levy and collect a special tax for the purpose of improving, operating, maintaining and conducting any property which such city or county may acquire under the provisions of this Act, and to provide all suitable structures, and facilities therein. Provided that nothing in this Act shall be construed as authorizing any city or county to exceed the limits of indebtedness placed upon it under the Constitution.

Sec. 6. Any city or town acquiring any property under the authority of the foregoing section shall also be authorized to make any contract and to expend its public funds in the joint or several operation and maintenance of any of the municipal functions authorized by this Act.

Sec. 7. This Act shall be deemed to be cumulative of all other laws and Charter Provisions relating to the same subject.

Sec. 8. In case any section, clause, sentence, paragraph, provision or part of this Act shall for any reason be adjudged by any Court of competent or final jurisdiction to be invalid such judgment shall not affect, impair or invalidate the remainder of this Act, but shall be confined in its operation to the section, clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Sec. 9. The fact that property outside of cities may be acquired now by gift for improvement by nearby cities for the use of the inhabitants of more than one city and other Public Projects for which more than one city should assume responsibility and which inure to the joint

benefit of more than one city are in urgent need of immediate improvement and maintenance and the fact that the end of the present session of the Legislature is near creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House and the Constitutional Rule requiring bills to go into effect ninety (90) days from and after their passage be and the said Rules are hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Passed the House, April 29, 1943: Yeas 135, Nays 0; House concurred in Senate amendments, May 7, 1943: Yeas 134, Nays 0; passed the Senate, May 7, 1943, as amended: Yeas 26, Nays 0.  
Approved May 14, 1943.  
Effective May 14, 1943.

## FIRE FIGHTING EQUIPMENT—COUNTIES OF 350,000

### CHAPTER 336<sup>83</sup>

H. B. No. 755

An Act providing for special fire fighting equipment in all counties having a population of three hundred and fifty thousand (350,000) or more according to the last preceding Federal Census; providing that the term "county" when used in this Act shall mean any county in Texas having a population of three hundred and fifty thousand (350,000) or more according to the last preceding Federal Census; providing for the Commissioners Court to furnish fire fighting equipment to incorporated towns and villages with a volunteer fire department recognized by the Insurance Commission; providing for the terms and conditions of furnishing such fire fighting equipment to certain unincorporated towns and villages and communities; providing for the Commissioners Court to enter into contracts to furnish such fire fighting equipment; prescribing the terms of said contracts; describing the kind and nature of such fire fighting equipment to be furnished under this Act; defining the term "fire fighting equipment" as used in this Act; providing for the amounts and conditions of bonds to be executed by the petitioners, payable to the County; providing for the payment of costs of the administering of this Act out of the General Fund of the County; defining the term "petitioners" as used in this Act; providing that the title to such fire fighting equipment shall remain in the County; providing the Commissioners Court may contract with any city or cities in said County for the use of fire fighting equipment and service of the fire department of such city or cities for the purpose of fighting fire outside the city limits of such city or cities upon terms and conditions mutually agreed upon; repealing all laws in conflict with this Act; and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

Section 1. The term "county" when used in this Act shall mean any county in Texas having a population of three hundred and fifty thousand (350,000) or more according to the last preceding Federal Census.

Sec. 2. The Commissioners Court of the county is hereby authorized to and may furnish fire fighting equipment under the terms and provisions of this Act. It is the legislative intent and purpose that this Act be construed as permitting the Commissioners Court within their discretion to carry out the provisions of this Bill but the language in this Bill shall not be construed as being mandatory in nature.

Sec. 3. The governing authorities of any incorporated town or village of the county, which has a volunteer fire department recognized by the Insurance Commission of the State of Texas, may, by an order or resolution, a majority voting in favor thereof, petition the Commissioners

<sup>83</sup> Vernon's Ann.Civ.St., art. 2351a—3.